

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	AMENDED CONSENT
- v. -	:	PRELIMINARY ORDER OF
	:	FORFEITURE AS TO SPECIFIC
ISALIAH WISE FORDHAM	:	PROPERTY/
a/k/a "ZayBands,"	:	<u>MONEY JUDGMENT</u>
	:	
Defendant.	:	20 Cr. 563 (JPO)
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WHEREAS, on or about October 22, 2020, ISALIAH WISE FORDHAM a/k/a "ZayBands", (the "Defendant"), among others, was charged in a four-count Indictment, 20 Cr. 563 (JPO) (the "Indictment"), with conspiracy to steal government funds, in violation of Title 18, United States Code, Section 371 (Count One); conspiracy to commit bank fraud, in violation of Title 18, United States Code, Sections 1349 (Count Two); and aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2 (Counts Three and Four);

WHEREAS, the Indictment included a forfeiture allegation as to Count One seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Indictment included a second forfeiture allegation as to Count Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds that the

Defendant obtained directly or indirectly, as a result of the commission of the offense charged in Count Two of Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of offense charged in Count Two of the Indictment;

WHEREAS, on or about October 28, 2020, the Government seized the following from the Defendant's residence located at Main Street, Yonkers, New York: (i) \$7,420 in United States currency located on a ledge in the bedroom; and (ii) \$967 in United States currency located on the TV stand in the bedroom (the "Specific Property");

WHEREAS, on or about August 11, 2021, the Court previously entered a consent preliminary order of forfeiture with a money judgment in the amount of \$214,050 in United States Currency, \$140,097.70 of which represents proceeds traceable to the commission of the offense charged in Count One and \$73,952.30 of which represents the proceeds traceable to the commission of the offense charged in Count Two of the Indictment (the "Prior Order") and the Government has subsequently determined that the prior order should be amended;

WHEREAS, the Defendant consents to the entry of an amended money judgment in the amount of \$41,837.70 in United States currency, of which \$23,349.62 represents proceeds traceable to the commission of the offense charged in Count One and \$18,488.08 of which represents the proceeds traceable to the commission of the offense charged in Count Two of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant further consents to the forfeiture of all his rights, title and interest in the Specific Property which constitutes proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Two of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence, with the exception of the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys, Emily A. Johnson, Kaylan E. Lasky and Ashley C. Nicolas of counsel, and the Defendant, and his counsel, David K. Bertan, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$41,837.70 in United States currency (the "Amended Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. As a result of the offenses charged in Counts One and Two of the Indictment, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Amended Consent Preliminary Order of Forfeiture as to Specific Property/ Amended Money Judgment is final as to the Defendant, ISALAH WISE FORDHAM, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

4. All payments on the outstanding Amended Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

5. The United States Marshals Service is authorized to deposit the payments on the Amended Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Upon entry of this Amended Consent Preliminary Order of Forfeiture as to Specific Property/Amended Money Judgment, the United States (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

7. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific

Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

8. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

9. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

10. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed. All Specific Property forfeited to the United States under a Final Order of Forfeiture shall be applied towards the satisfaction of the Amended Money Judgment.

11. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Amended Money Judgment.

12. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate

or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

13. The Court shall retain jurisdiction to enforce this Amended Consent Preliminary Order of Forfeiture as to Specific Property/Amended Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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14. The signature page of this Amended Consent Preliminary Order of Forfeiture as to Specific Property/Amended Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

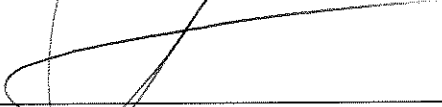
DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/
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3/16/2022
DATE


By: 
ISAIHAH WISE FORDHAM

3/16/22
DATE

By: 
DAVID K. BERTAN, ESQ.
Law Office of David K. Bertan
888 Grand Concourse, Suite 1n
Bronx, NY 10451
Attorney for Defendant

3/16/22
DATE

SO ORDERED:


HONORABLE J. PAUL OETKEN
UNITED STATES DISTRICT JUDGE

3/16/2022
DATE